

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**LEONARDO PEREZ,**

**Plaintiff,**

**v.**

**No. 11-cv-0852 KG/SMV**

**QWEST CORPOATION and  
RICK MAGGINE,<sup>1</sup>**

**Defendants.**

**ORDER TO SHOW CAUSE**

THIS MATTER is before the Court sua sponte. Because there has been no activity by either party in this case for nearly eight months, the parties are required to show good cause within 30 days why the case should not be dismissed pursuant to D.N.M.LR-Civ. 41.1.

On July 26, 2012, the then-presiding judge,<sup>2</sup> the Honorable James O. Browning, United States District Judge, granted Defendants' Petition to Compel Arbitration and Award Attorneys' Fees. [Doc. 30]. Judge Browning ruled that Plaintiff would be required arbitrate his claim and to pay Defendants' attorney fees and costs associated with the Petition to Compel Arbitration. *Id.* at 48–49. He further recommended that the parties attempt to resolve the amount of the fees and costs among themselves but invited Defendants to file an affidavit, if a formal order from the Court was required. *Id.* Defendants filed a formal motion for their fees on January 2, 2013, but withdrew it on April 24, 2013. [Docs. 32, 34]. Since the withdrawal of the motion for fees,

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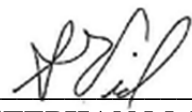
<sup>1</sup> On February 8, 2012, the Honorable James O. Browning, United States District Judge—the presiding judge at the time—granted the parties' joint motion to amend the caption of the case and to change all references to Qwest Communications Co., LLC to Qwest Corporation. [Doc. 22].

<sup>2</sup> The case was reassigned on August 9, 2013, to the Honorable Kenneth J. Gonzales, as the presiding judge, and to the undersigned as the referral judge on December 17, 2013. [Docs. 35, 36].

no further action by either party has been reflected on the docket. Accordingly, the Court will require the parties to show good cause, within 30 days, why the case should not be closed pursuant to D.N.M.LR-Civ. 41.1

**IT IS THEREFORE ORDERED** that the parties file their responses to this Order to Show Cause no later than **January 21, 2014**.

**IT IS SO ORDERED.**



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**STEPHAN M. VIDMAR**  
**United States Magistrate Judge**